

REMARKS/ARGUMENTS

Claims 1 through 19 and 21 through 43 are pending in the application. Upon entry of this amendment, claims 1 through 19 and 22 through 43 will be pending. Claim 21 is canceled without prejudice or disclaimer by this amendment.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention.

In response, Applicants have amended claim 1 to distinctly claim the subject matter regarded as the invention, in compliance with §112, second paragraph. As such, reconsideration and withdrawal of the § 112 rejection are respectfully requested.

Claims 1 through 12, 15 through 17, 21, 23 through 33, 35, 42 and 43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/44185 to Rogers et al. (hereinafter "Rogers").

The Rogers et al. application is directed to an article for treating fabrics having an absorbent carrier substrate and a liquid cleaning/refreshment composition releasably absorbed in the substrate. The substrate is wholly or partly covered by a fibrous coversheet. The article is useful in an in-home process, which is conducted in a clothes dryer.

Applicants respectfully submit that the Rogers et al. application fails to disclose or suggest a carpet and fabric cleaning wipe having a composition, as recited by claim 1. Claim 1 and claim 32 both provide that the cleaning composition has at least one soil resist selected from the claimed Markush group. The soil resist is present in an amount about 0.01 wt.% to about 4 wt.% of the total weight of the composition. The Rogers et al. application does not disclose or suggest a composition or a wipe having a

composition with a soil resist, let alone a soil resist selected from the claimed group that is present in the amount required by claims 1 and 32.

Moreover, Applicants respectfully disagree with the contention set forth on page 4 of the Action that the anti-static agent taught in Example III of Rogers is equivalent to the soil resist. The use of an anti-static agent in a clothes dryer type cleaning process, such as that taught by Rogers, typically alters the charge of the article(s) in the dryer so they do not "cling" together. There is no disclosure or suggestion in Rogers that the use of an anti-static agent in their Example III is for any other purpose than altering the static charge in the dryer cleaning process.

To the contrary, the soil resist in the claimed invention resists resoiling of the carpet or fabric cleaned with the claimed wipe. Typically, when a carpet or fabric is manufactured, the fibers and/or material that make up the carpet or fabric have open sites. When a material is spilled or otherwise in contact with the carpet or fabric, the material will adhere to the carpet or fabric at these open sites. Upon application of the claimed composition to the carpet or fabric to be cleaned, once the stain is removed, any open sites in the carpet or fabric fibers and/or material that may have resulted during manufacture of the carpet or fabric are closed or filled by the soil resist. As a result, future stains or material in contact with the carpet or fabric will not adhere to the carpet or fabric because these open sites are closed or filled by the soil resist. Clearly, there is no disclosure or suggestion in Rogers of a soil resist or that the anti-static agent passively taught as an optional component in Example III of Rogers is a soil resist, as recited in claims 1 and 32.

Moreover, Rogers actually teaches away from the use of polymeric materials, such as soil resists, in their invention. Referring to page 10, last paragraph of Rogers, the use of components that leave residues are to be avoided. Specifically, the compositions of Rogers should be substantially free of various polyacrylate-based emulsifiers, polymeric anti-static agents, inorganic builder salts and other residue-forming materials, except at low levels of about 0.1% to 0.3%, and preferably 0% of the

final compositions. Clearly, a soil resist, by its nature of filling the voids or open sites on the carpet or fabric being cleaned, remains on the surface of the carpet or fabric. This is clearly sought to be avoided by Rogers and, therefore, the anti-static agent of Rogers cannot be equivalent to the claimed soil resist.

Applicants also point out that Rogers' disclosure is contradictory to itself in that Rogers expressly discloses that the use of polymeric anti-static agent should be avoided except at low levels of about 0.1% to 0.3% (page 10 of Rogers). However, in Example III (cited by Action), Rogers discloses the use of polymeric anti-static agent (sulfonated polymers available as VERSAFLEX 157, 207, 1001, 2004 and 7000 from National Starch and Chemical Company), in amounts of at least about 0.5% and typically from about 2% to about 8% by weight of the compositions. Clearly, based on the earlier disclosure on page 10 of Rogers, one would not use a sulfonated polymer anti-static agent, let alone in the amounts disclosed in Example III of Rogers, and clearly would not use a soil resist, as required in claims 1 and 32.

Claim 16 depends from claim 1 and includes the feature that the wipe comprises at least one enhancing agent that is a high purity hydrogen peroxide. Applicants respectfully maintain that the Rogers et al. application fails to disclose or suggest a high purity hydrogen peroxide. Accordingly, Applicants respectfully submit that claim 16 is further patentably distinguishable over the Rogers et al. application.

Claim 21 is canceled by this amendment and, as such, the rejection of this claim is moot.

Claim 30 depends from claim 1 and includes the feature that the loading level ratio is about 2:1 to about 6:1. Applicants respectfully maintain that Rogers fails to disclose or suggest a loading level ratio that is about 2:1 to about 6:1, as required by claim 30. Accordingly, Applicants respectfully submit that claim 30 is further patentably distinguishable over the Rogers et al. application.

Claim 31 depends from claim 1 and includes the feature that the loading level ratio is about 3:1 to about 4.5:1. Applicants respectfully maintain that Rogers fails to disclose or suggest a loading level ratio that is about 3:1 to about 4.5:1, as required by claim 31. Accordingly, Applicants respectfully submit that claim 31 is further patentably distinguishable over the Rogers et al. application.

In view of the above, Applicants respectfully submit that claims 1 and 32, as well as all claims dependent therefrom, are patentably distinguishable over Rogers. As such, reconsideration and withdrawal of the §102(b) rejection of claims 1 through 12, 15 through 17, 21, 23 through 33, 35, 42 and 43 are respectfully requested.

Claims 1 through 14, 17 through 19, 21 through 27, 30 through 41 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 00/30956 (hereinafter "'956 application").

The '956 application is directed to a dispensing system for wet wipes for use in wiping surfaces in the home and in industry, in addition to their use on the human body, such as for baby wipes, make-up removal and other skin care applications.

Applicants respectfully submit that the '956 application fails to disclose or suggest a carpet and fabric cleaning wipe having a cleaning composition, as required by claims 1 and 32. As set forth above, both claims require a composition with a soil resist selected from a claimed Markush group in an amount about 0.01 wt.% to about 4 wt.%, based on the total weight of the composition.

Applicants respectfully maintain that the '956 application does not disclose or suggest a wipe with a composition having a soil resist, as required by claims 1 and 32. While the '956 application does disclose an optional substrate treatment with fluorinated materials like fluoropolymers (page 13, lines 8-10), the '956 application clearly fails to disclose or suggest a wipe with a soil resist selected from the claimed group in the claimed amount, as recited in claims 1 and 32.

The fluorinated materials in the '956 application are employed to treat the substrate to adapt the separation force between wipes (page 12, line 27). As discussed above, a soil resist is a material that treats the surface to be cleaned to retard resoiling of that surface. The fluoropolymers of the '956 application are treatments for the substrate itself and there is no disclosure or suggestion in the '956 application that the fluoropolymers are used or could be used to treat the surface being cleaned, as in the present invention. To the contrary, the '956 application is silent as to the use of a soil resist and fails to even contemplate the problem of resoiling on a carpet or fabric.

Further, even if one were to incorrectly assume that the fluoropolymer of the '956 application was a soil resist, the '956 application still falls short of disclosing or suggesting the claimed soil resist and clearly fails to disclose or suggest use of the soil resist in the amount required in the claimed invention.

Claim 18 depends from claim 1 and includes the feature that the wipe further has at least one enhancing agent that is an alcohol selected from the group set forth in claim 18. Applicants respectfully maintain that the '956 application fails to disclose or suggest an alcohol selected from the group set forth in claim 18. Accordingly, Applicants respectfully submit that claim 18 is further patentably distinguishable over the '956 application.

Claim 19 depends from claim 1 and includes the feature that the wipe further has at least one enhancing agent that is an alcohol present in an amount about 1 wt.% to about 20 wt.% of the total weight of the composition. Applicants respectfully maintain that the '956 application fails to disclose or suggest any specific amount of an alcohol present. Accordingly, Applicants respectfully submit that claim 19 is further patentably distinguishable over the '956 application.

Claim 21 is canceled. Thus, the rejection of this claim is moot.

Claim 22 depends from claim 1 and includes the feature that the soil resist is selected from the group set forth in claim 22. Applicants respectfully maintain that, as discussed above, the '956 et al. application fails to disclose or suggest a soil resist. The '956 et al. application also fails to disclose or suggest a soil resist selected from the group set forth in claim 22. Accordingly, Applicants respectfully submit that claim 22 is further patentably distinguishable over the '956 et al. application.

Claim 30 depends from claim 1 and adds the element that the loading level ratio is about 2:1 to about 6:1. Applicants respectfully maintain that the '956 application fails to disclose or suggest a loading level ratio. The '956 application also fails to disclose or suggest a loading level ratio that is about 2:1 to about 6:1, as required by claim 30. Accordingly, Applicants respectfully submit that claim 30 is further patentably distinguishable over the '956 application.

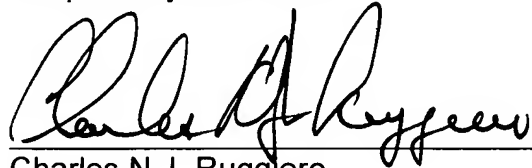
Claim 31 depends from claim 1 and includes the feature that the loading level ratio is about 3:1 to about 4.5:1. Applicants respectfully maintain that the '956 application fails to disclose or suggest a loading level ratio. The '956 application also fails to disclose or suggest a loading level ratio that is about 3:1 to about 4.5:1, as required by claim 31. Accordingly, Applicants respectfully submit that claim 31 is further patentably distinguishable over the '956 application.

Applicants respectfully submit that claims 1 and 32, as well as all claims dependent therefrom, are patentably distinguishable over the '956 application for at least the reasons discussed above. Therefore, reconsideration and withdrawal of the §103(a) rejection of claims 1 through 14, 17 through 19, 21 through 27, 30 through 41 and 43 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the cited prior art. Accordingly, Applicants respectfully request favorable consideration and the passage of the application to allowance.

September 2, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

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